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May 1, 2025

VIA ECF

Honorable Lewis J. Liman
United States District Court
Southern District of New York
500 Pearl Street, Courtroom 15C
New York, New York 10007

Rachel Lamorte
Partner
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Re: *In re Concrete and Cement Additives Antitrust Litig.*, Case No. 24-MD-3097 (S.D.N.Y.) – Deadline for BASF SE to Respond to the Direct Purchaser Plaintiffs’ Corrected Consolidated Class Action Complaint

Dear Judge Liman:

We represent German-based defendant BASF SE in this action.¹ I write to respectfully request clarification concerning the deadline for BASF SE to respond to the Direct Purchaser Plaintiffs’ Corrected Consolidated Class Action Complaint (“Complaint”).

BASF SE received a copy of the Complaint from the German Central Authority on April 14, 2025. Paragraph 3a of this Court’s June 20, 2024 Joint Case Management Order (ECF No. 105) establishes a 60-day deadline for defendants to respond to the complaints in this action, and the Court applied this provision to the other foreign defendants in this action by setting the same 60-day response deadline from the date of service. *See* ECF No. 218 (“MAPEI S.P.A. served on 10/31/2024, answer due 12/30/2024.”); ECF No. 219 (“Emme Esse Vi s.r.l. served on 10/31/2024, answer due 12/30/2024.”).

Accordingly, we believe BASF SE has 60 days from service—likely June 13, 2025—to respond consistent with this practice.

The Direct Purchaser Plaintiffs (“Plaintiffs”) have informed us that they have received confirmation that Hague service was effectuated by the relevant German authority on April 14, 2025, but that they have not filed the proof of service because they have not yet received it from that authority. Because proof of service has not been filed on the docket, BASF SE has not received specific guidance from the Court on its deadline to respond to the Complaint.

¹ I filed my appearance earlier today on behalf of BASF SE without waiving any rights BASF SE has to contest the sufficiency of service of process, the Court’s exercise of personal jurisdiction, or any other available defense.

To avoid misunderstandings (and a short-fuse deadline), we contacted Plaintiffs' counsel to confirm that BASF SE's response is due by June 13, 2025, assuming that confirmation of proper service is filed soon. In response, counsel for Plaintiffs agreed that BASF SE has until June 13, 2025 to respond to the Complaint.

For clarity, we respectfully request the Court's confirmation that BASF SE's deadline to respond to the Complaint is June 13, 2025. We thank the Court for its attention to this matter.

Respectfully,

/s/ Rachel J. Lamorte

Rachel J. Lamorte
Partner

cc: All counsel of record (via ECF)

BASF SE's deadline to respond to the Complaint is June 13, 2025.

SO ORDERED.

A handwritten signature in black ink, appearing to read 'L. Liman', is written over a horizontal line.

LEWIS J. LIMAN
United States District Judge

May 2, 2025